

1
2
3
4
5

6 IN THE UNITED STATES DISTRICT COURT

7
8

FOR THE NORTHERN DISTRICT OF CALIFORNIA

9

AMERICAN HONDA MOTOR CO., INC.,

10

Plaintiff,

No. C 06-04752 JSW

11

v.

12

THE COAST DISTRIBUTION SYSTEM,
INC.,

13

Defendant.

14

—————/

15

**ORDER RE DISCOVERY
DISPUTE AND ORDER OF
REFERENCE FOR SUPERVISION
OF DISCOVERY**

16

This matter comes before the Court upon the joint letter brief submitted by the parties dated February 1, 2007, regarding a discovery dispute. The essence of this dispute is whether the Court should postpone discovery in this action. Defendant The Coast Distribution System, Inc. (“Coast”) asks that the Court postpone discovery until this Court has resolved its motion to stay, in which it seeks to stay this entire action in favor of proceedings currently pending before the International Trade Commission (“the ITC proceeding”). The ITC proceeding was initiated by Plaintiff American Honda Motor Co., Inc. (“Honda”) against Coast’s supplier Wuxi Kipor Power Co., Ltd. (“Kipor”), and involves two of the five patents at issue in this suit and may involve some of the same accused products. Coast argues that much of the discovery propounded now may become irrelevant if the action is stayed in favor of the ITC proceeding. Coast’s counsel also represents Kipor in the ITC proceeding.

27

Honda urges the Court to allow discovery to proceed, and argues that Coast is not a party to the ITC proceeding and, thus, has not been burdened by discovery propounded to Kipor in that proceeding.

1 The Court has considered the parties arguments and DENIES Coast's request to
2 postpone discovery until it has resolved the motion to stay. If either party believes the other
3 party is abusing the discovery process, or is serving duplicative discovery, they have remedies
4 available to them in the interim. Nothing in this Order should be construed as setting forth the
5 Court's views on the merits of the pending motion to stay.

6 By this Order and pursuant to Local Rule 72-1, the Court refers this matter to a
7 randomly assigned Magistrate Judge to supervise discovery and to resolve all future discovery
8 disputes.

9 **IT IS SO ORDERED.**

10
11 Dated: February 5, 2007


12 _____
13 JEFFREY S. WHITE
14 UNITED STATES DISTRICT JUDGE

15
16 cc: Wings Hom
17
18
19
20
21
22
23
24
25
26
27
28